



## Notice Providing **Changes** and **New Requirements** to Section 671, Title 14, of the California Code of Regulations Re: Importation, Transportation, and Possession of Live Restricted Animals

The following summary describes highlights of the new regulations that were adopted by the Fish and Game Commission on April 8, 2011. This notice is provided as a tool to notify current permittees of some of the **changes** and **new requirements**, the **effective dates** and **identifies the specific section and who it may affect**.

This notice is a partial list of changes and you must review then entire revised Restricted Species Manual 671, which includes all laws and new regulations to understand how the new regulations affect you in full. Revised Manual 671 is located at [www.dfg.ca.gov/licensing/pdf/files/fg1518.pdf](http://www.dfg.ca.gov/licensing/pdf/files/fg1518.pdf).

### **\*CHANGES REQUIRING IMMEDIATE ACTION FROM CURRENT PERMITTEES\***

#### **CHANGE EFFECTIVE IMMEDIATELY - Section 671.1(c)(2)(D)**

##### **United States Department of Agriculture (USDA) License & Facility Inspection Report**

Adds requirement that permittees must have a copy of current license or registration document required by the USDA (for mammals only) and a copy of the most recent USDA facility inspection form on file with the Department at all times. The Department may waive compliance for initial applications by California residents. A copy of the issued license or registration document must be provided to the Department within 10 business days of receipt. **Required only for those permittees, who have a restricted species that is required under USDA laws or regulations to be covered under a USDA license or document and/or provide a copy within 10 business days of receipt as renewed.**

**Current permittees in possession of valid license, permit or registration document required by the USDA must provide a copy of these documents and a copy of the most recent USDA facility inspection form to the Department by April 22, 2011 and provide copies within 10 business days of receipt as renewed or inspected**

#### **NEW REQUIREMENT EFFECTIVE IMMEDIATELY - Section 671.1(c)(2)(I)**

**United States Fish and Wildlife Service (USFWS) Permit** - Adds requirement that permittees must have a copy of current license, permit or registration document required by the USFWS on file with the Department at all times. The Department may waive compliance for initial applications by California residents. A copy of the issued USFWS license, permit or registration document must be provided to the Department within 10 business days of receipt. Any person who is required to possess a USFWS permit for the restricted species applied for or listed on a Department-approved permit is required to comply with these requirements. **Required only for those permittees, who have a restricted species that is required under USFWS laws or regulations to be covered under a USFWS permit.**

**Current permittees in possession of a valid license, permit or registration document required by the USFWS must provide a copy of these documents to the Department by April 22, 2011 and provide copies within 10 business days or receipt as renewed.**

#### **NEW REQUIREMENT EFFECTIVE IMMEDIATELY - Section 671.1(c)(2)(N)**

##### **Written Notification to Department is Required Upon Receipt, Transfer or Death of Animal**

Adds requirement that every permittee must provide written notice to the Department's License and Revenue Branch at least 10 business days prior to receipt or transfer of an animal within or out of the state and within 10 business days after the death of an animal. The notice must include the common name, scientific name, sex, and age of the animal and the date of the acquisition, transfer or death.

The notice must also contain the unique identification method for animals to be acquired or the unique identifier for animals being transferred or reported deceased and the name and address of where the animal is being acquired from or transferred to within or outside of the state. Written notice can be submitted by fax to by fax at 916-419-7586, e-mail to [spu@dfg.ca.gov](mailto:spu@dfg.ca.gov) or by mail. **Required for every permittee, except for those permit holders of Aquaculture and Fish Permits. Research and AZA Permits shall provide a plan only for the animals designated as detrimental and for which a permit is required.**

## **\*OTHER CHANGES\***

### **CHANGE EFFECTIVE IMMEDIATELY - Section 671(c)(4)(U)**

**Barramundi** - Adds clarification that permits may be issued to any person or organization for breeding, importation, transportation, possession, or sales of barramundi under specified conditions.

### **CHANGE EFFECTIVE IMMEDIATELY & RENEWAL OR AMENDMENT - Section 671.1(a)(6)**

**Permits for Business** - Adds clarification that an applicant or an applicant's full time employee must possess the qualifications for an applicant specified in subsections 671.1(c)(1), 671.1(c)(2)(C) and 671.1(c)(2)(E). If a business uses an employee's qualifications to obtain a permit, the business must continue to employ such qualified person as long as the animals are possessed in California. The applicant who owns the business must submit annual proof of continued employment for a full time employee if the applicant continues not to meet the qualifications specified in subsection 671.1(c)(1).

### **NEW REQUIREMENT EFFECTIVE IMMEDIATELY - Section 671.1(b)(2)**

**Aquaculture Permit** - Adds authority for the Department to issue a permit to any person who is a registered aquaculturist, pursuant to Section 235, authorizing that person to import, transport, possess and offer for sale only those species listed on the restricted species permit for aquaculture purposes. Additional requirements are specified in subsection 671.1(c)(2) and Section 671.7.

### **CHANGE EFFECTIVE AT RENEWAL OR AMENDMENT - Section 671.1(b)(4)**

**Breeding Permit** - Adds requirement for applicants to provide a breeding plan as specified in subsection 671.1(c)(2)(F). Additional requirements are specified in subsection 671.1(c)(2).

### **CHANGE EFFECTIVE AT RENEWAL - Section 671.1(b)(6)**

**Exhibiting Permit** - Adds requirement for applicants receiving a new permit or renewing an existing permit that they must be in the business of exhibiting animals at least half-time, for commercial and/or educational purposes. Additional requirements are specified in subsection 671.1(c)(2).

### **NEW REQUIREMENT EFFECTIVE IMMEDIATELY - Section 671.1(b)(7)**

**Native Species Exhibiting Permit** - Adds authority for the Department to issue a permit to any person who is a resident, is in the business of exhibiting animals, and possesses the qualifications listed in subsection 671.1(c)(1). The permit authorizes them to transport and possess only those species specified on the Department approved permit, namely, native restricted bird and mammal species that are found injured and/or orphaned in the wild in California and are not suitable for release into the wild, but are suitable for educational purposes. The permit fee may be waived only if the AZA or exhibiting fee is paid and the AZA or Exhibiting permit is issued. Additional requirements are specified in subsection 671.1(c)(2).

### **NEW REQUIREMENT EFFECTIVE IMMEDIATELY - Section 671.1(b)(8)**

**Nuisance Bird Abatement Permit** - Adds authority for the Department to issue a permit to any person who is a resident or nonresident, is in the business of using raptors to abate nuisance birds, and possesses the qualifications listed in subsection 671.1(c)(1) and under the conditions described. Additional requirements are specified in subsection 671.1(c)(2).

### **CHANGE AND NEW REQUIREMENT EFFECTIVE IMMEDIATELY - Section 671.1(b)(9)**

**Research Permit** - Adds requirement for applicants to meet the specified requirements in subsection 671.1(c)(2)(M), Applicants asking for determination as a bona fide scientific institutions, must also meet

the requirements specified in subsection 671.1(c)(2)(L). Additional requirements are specified in subsection 671.1(c)(2).

#### **CHANGE EFFECTIVE AT RENEWAL OR AMENDMENT - Section 671.1(b)(11)**

**Single Event Breeding for Exhibitors Permit** - Adds requirement for applicants to provide breeding plan specified in subsections 671.1(c)(2)(F). Additional requirements, including new requirements that the applicant be part of a federal program or have a permit meeting or exceeding Federal Requirements, are specified in subsection 671.1(c)(2).

#### **NEW REQUIREMENT EFFECTIVE IMMEDIATELY - Section 671.1(b)(12)**

**Fish Permit** - Adds authority for the Department to issue to any person who is a resident and is in the retail, wholesale or importation business of selling fish or aquaculture product. The permittee may import, transport, possess and offer for sale only those species listed on the restricted species permit. Additional requirements are specified in subsection 671.1(c)(2) and Section 671.7.

#### **CHANGE EFFECTIVE IMMEDIATELY - Section 671.1(c)(1)**

**Qualifications for Permit and Species** - Adds that an applicant or the applicant's full-time employee can meet the specified experience qualification, but only when the experience was acquired within five years of the date of the initial permit application. **Any person who applies for an Animal Care, Aquaculture, AZA, Broker/Dealer, Fish or Research permit is exempt from this experience requirement. Applicants must be residents of California, except that AZA, Exhibiting, Broker/Dealer and Nuisance Bird Abatement permits may be issued to nonresidents.**

#### **CHANGES and NEW REQUIREMENTS EFFECTIVE AS SPECIFIED - Section 671.1(c)(2)**

**Information and Documents Required with Application** - Adds applications and forms identified in this subsection into Section 703. Gives authority for them to be updated annually, provides clarification on the additional documents and information required to complete an application and amendment for a specific permit and/or species, and requires that certain documents and information be provided to the Department immediately upon change or expiration of license/permit, not just at renewal or initial application. **Highlights of this subsection are as follows:**

#### **CHANGE EFFECTIVE AT RENEWAL OR AMENDMENT - Section 671.1(c)(2)(E)**

**Letter of Recommendation** - Adds requirement that the letter of recommendation submitted must be written within the previous five years of the date of application. **Required for every permit permittee, except for those permit holders of Animal Care, Aquaculture, AZA, Broker/Dealer, Fish or Research Permits.**

#### **NEW REQUIREMENT EFFECTIVE AT RENEWAL OR AMENDMENT - Section 671.1(c)(2)(F)**

**Breeding Plan** - Adds requirement for persons who apply for a Breeding or Single Event Breeding for an Exhibitor permit must submit a specified breeding plan at initial application and upon renewal or amending a permit. **Required only for those permittees who have a Breeding or Single Event Breeding for an Exhibitor Permit.**

#### **CHANGE EFFECTIVE AT RENEWAL OR UPON CHANGE - Section 671.1(c)(2)(G)**

**Nonresident Exhibiting Itinerary** - Adds requirement that applicants for a nonresident exhibiting permit must submit a copy of a current and valid contract or other written confirmation that specifies each place and length of time where the exhibition will take place in California. If no contract is in effect at the time of application, copies of past contracts and/or written descriptions of anticipated performances being negotiated shall be substituted. In addition, permittees are required to submit itinerary changes at least 72 hours prior to entry. **Required only for those permittees who have a Nonresident Exhibiting Permit.**

#### **NEW REQUIREMENT EFFECTIVE AT RENEWAL OR AMENDMENT - Section 671.1(c)(2)(H)**

**Statement of Purpose and Use of Animals in Educational Program** - Adds requirement that a statement of purpose must be submitted describing in detail the planned use for each animal. Applicants shall include relevant materials including, as appropriate, any lists of prospective clients with their contact information or contracts with clients or websites, scripts, brochures or flyers promoting or describing the planned use of the animals. If the animals will be used in an educational program, the applicant shall

provide an explanation why live restricted species are necessary and samples of the educational material and message that will be distributed. The Department may require a permittee seeking to renew a permit to provide documents, including but not limited to client lists with contact information or contracts with clients, demonstrating that the use of a permitted animal was consistent with the statement of purpose. **Required for every permittee, except for those permit holders of Animal Care Aquaculture, AZA, Breeding Fish, Research or Single Event Breeding for Exhibitor Permit.**

**NEW REQUIREMENT EFFECTIVE AT RENEWAL OR AMENDMENT - Section 671.1(c)(2)(J)**

**Emergency Action Plan** - Adds requirement that a written Emergency Action Plan must be submitted and readily available and posted in a conspicuous place stating procedures in the event of an escape, an attack or an emergency evacuation. The plan must be submitted to the Department upon initial application, renewal of a permit, addition of species or upon change. The Emergency Action Plan shall be titled, with a revision date, updated annually. **Required for every permittee. Research and AZA permit holders must provide a plan only for the animals designated as detrimental and for which a permit is required.**

**NEW REQUIREMENT EFFECTIVE DECEMBER 31, 2011 - Section 671.1(c)(2)(K)**

**Unique Identification for Animals** - Adds requirement for every restricted species permittee to provide to the Department, on or before December 31, 2011, the unique identification for the following species: elephant, non-human primate, bear, wolf, Gila monster, and animal in the Family Felidae that is possessed under a restricted species permit. After December 31, 2011, each permittee must provide an animal's unique identification to the department within 10 business days of receipt, transfer, birth or death of an animal, or upon change in unique identification for an animal. **Required for every permittee with the species listed, except for those permit holders of Research and AZA permits shall provide unique identification only for the animals designated as detrimental and for which unique identification is required.**

**CHANGE AND NEW REQUIREMENT EFFECTIVE IMMEDIATELY - Section 671.1(c)(4)-(6)**

**Denial, Revocation and Appeal Process** - Adds authority and conditions, under which the Department may deny the issuance of a permit or amendment of an existing permit, revoke a permit and describes the process for an applicant or permittee to appeal a Department denial or revocation. Changes the permit appeal and revocation hearing process to allow for written appeals. **Applicable for every permittee.**

**CHANGE AND NEW REQUIREMENT EFFECTIVE IMMEDIATELY - Section 671.1(c)(7)**

**Fees and Inspections** - Moves permit, application and inspection fees to Section 703. Adds clarity for the types of inspections, where the applicable sections for inspection are located in Title 14, of the CCR and what the inspection certification means. In addition, establishes a new and different inspection requirement for Aquaculture and Fish permits.

**NEW REQUIREMENT EFFECTIVE IMMEDIATELY - Section 671.7**

**Requirements for Aquaculture and Fish Permits** - Adds authority for issuing the Aquaculture and Fish permits and specifies the requirements and conditions, under which a permit may be issued. Provides definitions of a "closed-water system" and "terminal market", the general and permit application requirements for the permits, and provides the terms and conditions for importation, transportation and sales of restricted species.

**NEW REQUIREMENT EFFECTIVE IMMEDIATELY - Section 703**

**Applications, Forms and Fees** - Adds descriptions and use for applications, forms and fees, which will require annual updates.